

Remarks

The Examiner's Response to Amendment reveals an overbroad view of the scope of the rejected claims. The Examiner states, "it is noted that the features upon which applicant relies (i.e., 'McBreaty does not disclose dynamic traffic management as claimed, 'predefined preferences', Paper Dated 10/3/05, Page 23, lines 17-21) are not recited in the rejected claim(s)." (Office Action at 4). We ask the Examiner to reevaluate this view in light of the highlighted sections of independent claims 1 and 5, reproduced here:

1. A system for providing **traffic management** on a computer network, wherein a referral provider and a user computer are in communication via the computer network, the **referral provider predefining referral provider preferences via the traffic management system** for routing traffic generated by the user computer's search request transmitted to the referral provider, wherein the routing of the traffic is dependent upon the search request transmitted by the user computer, comprising:

means for establishing an account for the referral provider, wherein the account includes an account name, a unique identification and a password;

at least one traffic management parameter; and

a search referral module, wherein the search referral module analyzes the user computer's search request.

5. A process for **dynamically managing traffic on a network** having a referral provider computer and a user computer, the user computer communicating with the referral provider computer and transmitting a search request to the referral provider computer, comprising:

establishing a participating account, wherein the account is established by the referral provider;

defining traffic management parameters;

analyzing the search request input by the user computer; and  
routing traffic to a target location.

Under a correct view of the scope of the claims, Applicant's previous remarks succeeded in distinguishing the art of record. Namely, unlike Applicant's invention, which involves dynamic traffic management over a network, McBrearty addresses the problem of a web surfer who needs quick access to the site-specific search engine of a web site. The example McBrearty gives is the intra-site search engine one might find at <http://www.ibm.com>. McBrearty discloses that sometimes users "enter" a site on a page lacking the site-specific search engine interface. McBrearty discloses providing a "button" on a web browser that will locate the site-specific engine for presentment to the surfer, or if there is none preexisting on the site, that will present the surfer with a generic one.

While McBrearty does mention ordinary use of the site-specific search engine to perform a search, McBrearty does not disclose dynamic traffic management as claimed by Applicant. Namely, Applicant's claim 1 recites a system wherein a referral provider predefines preferences (i.e., traffic management parameters) for routing traffic generated by a user computer's search request transmitted to the referral provider. McBrearty does not disclose a referral provider, or predefining preferences, as claimed. In addition, as the Examiner acknowledged McBrearty lacks a means for establishing an account.

For these reasons, McBrearty also lacks the elements of dependent claims 2-4. Regarding claim 2, since McBrearty does not disclose traffic management parameters, it necessarily does not disclose designated target locations or key

search terms as examples of such parameters. Regarding claim 3, McBearty does not disclose a search referral module routing traffic to the designated target location as specified by such a traffic management parameter. And regarding claim 4, McBearty does not disclose comparing user search terms with key search terms which comprise traffic management parameters.

The Examiner cites Boyd for its disclosure of details of implementing an account for a referrer. However, Boyd does not disclose establishing an account for a referral provider as claimed. Boyd's disclosed accounts are associated with hosted incentive marketing --- an entirely different field from Applicant's invention having nothing to do with dynamic traffic management in the context of search engines. For example, under Boyd's teachings, a consumer product company might establish an account to keep track of consumer-entered loyalty points. Likewise, the consumer might establish an account related to the consumer product company to enter such loyalty points. Importantly, neither the consumer product company nor the consumer in this context qualifies as a "referral provider." Neither party does anything having the effect of referring a user's network traffic to a third party network location.

To summarize, McBearty lacks several claim limitations. Moreover, Boyd lacks the limitations the Examiner attributes to Boyd. Combining McBearty and Boyd does not result in, or suggest, the claimed inventions.

For the foregoing reasons, Applicant respectfully requests withdrawal of the rejections and early allowance. You are authorized to charge any fees to the undersigned's deposit account (#14-1131).

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read 'R. Greenspoon', is written over a horizontal line.

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